

### **REMARKS**

The following remarks are responsive to the Non-Final Office Action mailed June 7, 2010 ("Action"). Reconsideration and allowance are respectfully requested for at least the following reasons.

#### **Allowable Subject Matter**

Preliminarily, Applicants note with appreciation the indication that the application contains allowable subject matter. Specifically, claims 54-55 have been identified as being allowable and claims 25-35 and 58 have been objected to for being dependent upon a rejected base claim, but would be allowable if amended to incorporate all the features of their ultimate base claim and any intervening claims.

#### **Claim Objections**

Claims 2, 13, 20, 24 and 36 stand objected to because some claims are dependent on the later claims with higher claim numbers. Applicants submit that this is not an informality and does not require correction as the claims will be renumbered should the application be allowed. Withdrawal of the objection is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 112**

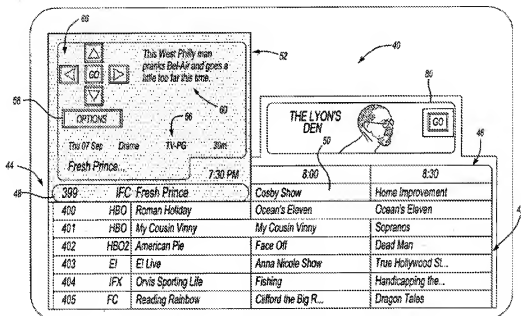
Claims 2, 7-14, and 41-53 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree.

This rejection is improper as it attempts to reject these claims for being too broad, and not for lack of clarity. The M.P.E.P. prohibits rejecting a claim under 35 U.S.C. § 112 for being "too broad." See M.P.E.P. § 2173.04 "Breadth is Not Indefiniteness." To support the rejection of claims 41 and 47, the Action asserts it:

is not clear what the window really looks like. A portion of perimeter could be very short or could be very long which might extent beyond the program guide. The applicant needs more clearly to define the boundary of the window such as within the program guide, etc.

See Action, p. 2.

Applicants respectfully disagree and submit that these claims are clear as written. Claim 41, for instance recites “a window having a perimeter where a portion of the perimeter is outside the grid and another portion of the perimeter extends to a limited portion of the grid that includes but does not extend beyond a boundary defined by a highlighted cell, an associated element of the first data set and an associated element of the second data set.” An example of these claim features is depicted in Figure 2 of the application, reproduced below.



**Fig-2**

As can be seen, window 52 has a perimeter where a portion of the perimeter is outside the grid 42 and another portion of the perimeter extends to a limited portion of the 42 grid that includes but does not extend beyond a boundary defined by a highlighted cell 48, an associated element of the first data set (e.g., channel 399), and an associated element of the second data set (e.g., 7:30 PM). Thus, the instant specification provides an adequate written and enabling description of the claimed window. Contrary to the assertion made in the Action, failing to claim what a window “looks like” and whether it is “very short” or “very long” does not make the claim language unclear. Rather, the Action is improperly attempting to reject claims 41 and 47 under 35 U.S.C. § 112 for their breadth rather than their clarity. The remaining claims were rejected due to their dependence on claims 41 and 47.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 112 is improper and request its withdrawal.

As the Action has not applied any other rejection to independent claims 41 and 47, Applicants submit that these claims and their dependent claims are in condition for allowance.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 20, 24, 36, 39, 40, 56, 57, and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Finseth et al. (US 2009/0193458) in view of Yuen et al. (US 2010/0115556).

Applicants respectfully traverse.

Amended independent claim 39 is drawn to an apparatus comprising a processor configured to cause display of an electronic program guide comprising “a window displaying information concerning a program title of a highlighted cell, . . . wherein the celled grid and the window overlap such that the highlighted cell of the celled grid is located within the window.” Support for these amendments may be found at least in Figure 2, reproduced above.

The combination of Finseth and Yuen, even if proper, do not disclose an electronic program guide comprising a window that overlaps with a celled grid such that a highlighted cell of the celled grid is located within the window. In the rejection, the Action cites Figure 4 of Finseth, reproduced below, as purportedly disclosing an electronic program guide comprising a celled grid and a window. As seen below, program guide 88 of Finseth includes grid 90 and information window 106, but the grid 90 and the information window 106 do not overlap such that a highlighted cell of grid 90 (i.e., “Grumpier Old Men” in grid 90) is located within the information window 106. Rather, Finseth spaces the grid 90 a distance away from the information window 106 and also places other fields (e.g., description field 108A, etc.) therebetween.

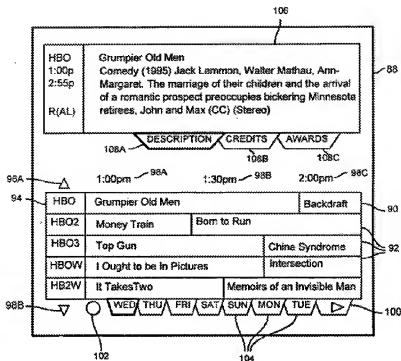
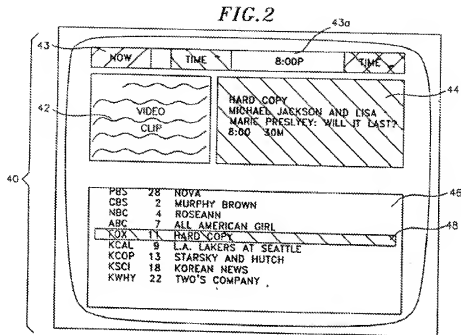


FIG. 4

Thus, Finseth does not disclose the features of claim 39.

Yuen does not remedy this deficiency. Figure 2 of Yuen, reproduced below, illustrates an electronic program guide having a schedule area 46 and a program description area 44. Similar to Finseth, the schedule area 46 and the program description area 44 do not overlap such that a highlighted cell (i.e., corresponding to element 48 in Figure 2) of the schedule area 46 is located within the program description area 44. Rather, the schedule area 46 is spaced apart from the program description area 44.



Therefore, the combination of Finseth and Yuen, even if proper, does not disclose all elements recited in claim 39. Further, Applicants submit that the Action has not provided proper reasoning for combining Finseth and Yuen, and at least bases the combination on improper hindsight rationale. As such, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103 and submit that claim 39 is in condition for allowance.

Independent claim 56 is allowable at least for reasons analogous to those given in support of claim 39.

The pending claims that respectively depend on claims 39 and 56 are allowable at least due to dependence on an allowable claim.

**CONCLUSION**

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date: September 7, 2010

By: Christopher M. Swickhamer  
Christopher M. Swickhamer  
Registration No. 59,853  
BANNER & WITCOFF, LTD.  
10 South Wacker Drive, Suite 3000  
Chicago, IL 60606  
Telephone: 312-463-5000  
Facsimile: 312-463-5001